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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Ronan Dif

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7590

10/28/2008

Womble Carlyle Sandridge & Rice, PLLC

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EXAMINER

YANG, JIE

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

10/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/534,006	<b>Applicant(s)</b> DIF ET AL.	
	<b>Examiner</b> JIE YANG	<b>Art Unit</b> 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21, 23-25 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) 11-21, 23-25 and 27-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Claims 22 and 26 have been cancelled; claims 1 and 7 are amended; claims 33-34 are added as new claims; claims 11-19, 21-25, 27-32 are withdrawn as non-elected claims; and claims 1-10, 33, and 34 are pending in application.

### ***Status of the Precious Rejection***

The previous objection of claims 22 and 26 as being of improper dependent form is withdrawn in view of the applicant's amendment filed in 07/23/2008.

The previous objection of claim 7 is withdrawn in view of the applicant's amendment filed in 07/23/2008.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho (US 4,988,394, thereafter US'394).

US'394 is applied on claims 1-6, and 8 for the same reason as stated in the office action of 4/24/2008.

Regarding the amended features in the instant claims 1 and 7, they do not change the scope of the claims.

Claims 7, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho (US 4,988,394, thereafter US'394) in view of Mohr et al (WO 92-03586, thereafter WO'586).

US'394 in view of WO'586 is applied on claims 7, 8, and 10 for the same reason as stated in the office action of 4/24/2008.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cho (US 4,988,394, thereafter US'394) in view of WO'586 and Saunders (NPL: The modeling of stable and metastable phase formation in multi-component A—alloys, in "Aluminum alloy, their physical and mechanical properties, Proc. ICAA9", eds. J.F.Nie et al, (Inst. Materials Engineering Australia, Melbourn, 2004) pp.96-106, thereafter, NPL-1).

US'394 in view of WO'586 and NPL-1 is applied on claim 9 for the same reason as stated in the office action of 4/24/2008.

Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'394 in view of Wyatt-Mair et al (US 5,894,879, thereafter US'879).

Regarding the newly added claims 33 and 34, which depend on claim 1, US'394 teaches the limitation of claim 1. US'394 does not specify perform the on-line operation without any heat

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treatments being carried out separately (claim 33) or each step of said process is conducted at a lower temperature than the temperature of a previous step (claim 34). US'879 teaches a method for manufacturing an aluminum alloy sheet including a continuous, in-line sequence of forming a strip of aluminum alloy and rolling the strip to reduce its thickness (Abstract of US'879). US'879 teaches: "...aluminum alloy can body stock having desirable metallurgical properties by using, in one continuous sequence of steps, the steps of providing a hot aluminum alloy feedstock which is subjected to a series of rolling steps to rapidly and continuously cool the feedstock to the thickness and metallurgical properties without the need to employ an annealing step." (Fig.1 and Col.3, lines 21-35), which reads on the limitations of claim 33 and 34. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to perform continuously rolling and cooling without annealing as demonstrated by US'879 in the process of US'394 because US'879 teaches such process can perform a continuous in-line process for economically and efficiently producing aluminum product (Col.1, lines 9-11 of US'879).

***Response to Arguments***

Applicant's arguments, see "applicant arguments/remarks", filed 7/23/2008, with respect to the rejection(s) of claim(s) under 35 U.S.C. 103(a) have been fully considered but they are not persuasive.

In the remark, the Applicants argue that Cho (US'394) does not teach a simplified process which would reduce cost in the same manner as the instant invention. To the contrary, Cho teaches a process with additional steps compared to the usual process, which will increase cost.

In response, the Examiner notices the applicants use language of "said process comprising..." in the instant claim 1, which will not exclude the extra steps, for example the extra steps in the process of Cho (US'394). As pointed out in the previous office action marked on 4/24/2008, US'394 teaches the similar continuously casting, hot-rolling, warm-rolling and coiling for the similar aluminum alloy with overlapping composition ranges and the similar structure as recited in the instant invention, which is a prima facie case of obviousness. SEE MPEP 2144.05 I. Because the applicants do not specifically exclude the extra steps in the instant claim 1, the rejection for claim 1 as being unpatentable over Cho (US'394) is still proper.

Regarding the arguments related to the amended features in the instant claims, the Examiner's position is stated as above.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jie Yang whose telephone number is 571-2701884. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-2721244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JY

/Roy King/

Supervisory Patent Examiner, Art Unit 1793